Linoleum and Oil Cloth

We have a fine line of plain figured and inlaid that we are offering at very low figures. FLOOR OIL CLOTH 30 CENTS PER YARD AND UP.

See our Union Street windows for samples.

Coyne Furniture Co., Ld.

148 Hotel Street.

1113 Union Street.

On next Saturday night the Repub-

lican primaries will be held all over

On Monday night following the elec-

tions the Republican Territorial Cen-

aral Committee will meet to decide,

among other things, where the conven-

tion shall be held. Honolulu and Hilo

are the two places mentioned, with

Following are registrations at Hale-

iwa for week ending July 31, 1904: W.

F. Lehigh, J. N. S. Williams, Puunene,

Maui; C. H. Kluegel, Honolulu; R. A.

Cooke, G. P. Cooke, F. D. Lowrey; N.

L. Filney, Orange, N. Y.; A. L. Cas-

tle, Honolulu; Harry A. Weiss, Waia-

Brown, C. C. Bitting, Honolulu; Dr.

Clarence Fornnestock, New York City;

Geo. H. Angus, T. Ah Kong, Marston

Campbell, W. H. Babbitt, Mrs. M. C.

Widdifield, Honolulu; W. Motoshige, J.

P. Mederios, R. Yammamoto, Waja-

lua, Oahu, H. T.; F. Hayselden, Mrs.

A. S. Humphreys and three children

and nurse, B. F. Chapman, Master

Johnny Chapman, Miss Ida M. Poston,

don Wilson, Jos. J. Arnold, Geo. P.

Oswald Mayall, Southwick England.

Vanilla From Hawaii.

The vanilla supply of the United

States, which is now being obtained

profitable crop. It is sold according to

it is stated that the difference in qual-

is now only one plantation of conse-

quence in the Hawaiian Islands, but it

is predicted that there will soon be

many more. Castor beans and pepper,

while not so profitable, can also be

Was No Evidence.

Charles S. Desky was discharged in

Police Court yesterday. He had been

charged with gross cheat in selling a

steam condenser from the Pacific

Heights Railway power house when the

machine had a mortgage on it. No evi-

dence was introduced to prove any mis-

representation and Mr. Desev was dis-

charged. E. Geneau, charged with the

murder of Ulysses Harris, was commit-

ted to the Circuit Court. Natsu was

fined \$150 for selling liquor without a

Filed Foreclosure.

Paul Muhlendorf and Bathsheba M.

Allen as executors under the will of S.

C. Allen, deceased, have filed petitions

for foreclosure of mortgages against

Akoma, on property at River street and

Magoon lane, and against Ching Fat

and Lum Tong Sam on Waikiki beach

Fell From Window.

A native by the name of Pupokea fell

from a second story window of a board-

ing house last night and was killed.

The body was taken to the morgue.

Last Night's Arrests.

Lui Ake was arrested last night for

assault and battery on J. G. Franca,

Two men were arrested for playing at

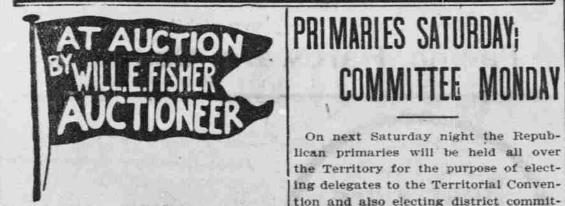
Mark P. Robinson, Joseph O. Carter,

grown on the islands .- N. Y. Tribune.

HALEIWA HOTEL

Hilo somewhat in the lead.

GUESTS AT THE



AT AUCTION

TUESDAY, AUGUST 9, 1904, AT 10 O'CLOCK A. M.,

Upon the premises, No. 914 Prospect Ave, near Kapiolani St., I will sell by order of Mrs. J. F. Scott,

Housebold Furniture

GOOD GENTLE HORSE, ETC.

Couches, Settees, Wicker Rockers, Easy Chairs, Dining Table, Chairs, Chinaware, Crockery, Kitchen Stove and Utensils, Iron Bedsteads, Bureaus, Lanai Rockers, Lamps, Toilet Sets, Lawn Mower, Hose, Garden Tools, Plants, Ferns, Chickens, Etc., Etc. The horse is a good saddle or driving

> WILL E. FISHER, AUCTIONEER.

AT AUCTION

MONDAY, OCT. 24, 1904, AT 12 O'CLOCK NOON,

At my salesroom, 180 Merchant street, by order of David Dayton, Esq., assignee of the Kamalo Sugar Co., Ltd., I will offer for sale at public auction the entire property of the

Kamalo Sugar Co., Ltd.

situate on the Island of Molokai, Territory of Hawaii, unless sooner disposed of at private sale.

This property is admirably situated for a sugar plantation or stock ranch. There is an abundance of water.

Further particulars of J. Alfred Magoon and J. Lightfoot, attorneys for

> WILL E. FISHER, **AUCTIONEER**



The Expert Dentist

F. L. FERGUSON, D. D. S.

No. 215 Hotel street, in front of Young Building.

Hides, Wanted

Highest price in cash paid for Green Salted Hides of from 40 to 50 pounds

each. Before shipping, address us.

Straw Hats

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For Ladies' and Gents.

Latest styles at

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Hotel St., No. 28 to 32.

Made



Notley Loses---Hays Is O. K. --- Hackfeld Must Pay.

nomination at the hands of the Home Rule party for delegate to Congress; yesterday the Supreme Court decided he had no right to the property of his father, deceased, whose will disinherited him. "So soon shall joy be followed by sorrow," is aptly illustrated in Mr. Notley's case.

The decision is written by Chief Justice Frear and is also signed by Justice Hatch and Judge De Bolt of the Circuit Court sitting in place of Justice Hartwell. The judges deny the rehearing applied for, and find that no palpable error was shown.

The opinion, in part, says: "The will and codicils were admitted to probate by a circuit judge at chambers. On contestants' appeal to the Circuit Court on the issue of undue influence, a different judge presiding, a verdict was directed for the proponents on the ground that there was no evidence of undue influence that could properly be submitted to the jury. On contestants' exceptions, this court sustained the directed verdict. Contestants then moved for a rehearing, their principal contention being that the court in holding that there was not sufficient evidence of undue influence to go to the jury, did so on the erroneous theory that, in order that indirect or circumstantial evidence of undue influence (that being the character of the evidence relied on) should be submitted to the lua, Oahu; Allan Herbert, Edward C. Jury, it should be of a nature clear and convincing to the court, whereas the court should have proceeded on the theory that any evidence more than a scintilla would be sufficient. The court denied the motion for rehearing, holding that the original decision did not bear out the contestants' contencision. The contestants now move a second time for rehearing. Accepting James and wife, Mr. and Mrs. John the statement of the court as to its Effinger, Miss Effinger, Miss Eleanor construction of the original decision, tional, regardless of whether or not the Effinger, Miss Louise Effinger, Miss but contending that they were justified defendants would be benefited thereby. Alice Effinger, Master Geo. H. Effinger in placing upon that decision the con

Meek, Berkeley; A. H. Moffitt, San motion for a rehearing. Francisco; W. W. Arkley, Berkeley; It remains true that this matter was J. L. Robertson, Honolulu; Miss Ger- presented with unusual thoroughness trude Mason, Miss Maude Mason, J. and earnestness at the original hear-W. Mason Hilo; E. W. Quinn, A. M. ing and that to grant a rehearing would Hurtt, Honolulu; Ray Chambaud, Jes- be to do so merely that the case might sie Frazier, E. P. O'Brien, H. C. Marbe presented again substantially as at sales, F. J. Fitzpatrick, D. J. Styne, that hearing in the hope that the court Honolulu: Frank L. Webster, Seym- might be induced to come to a different conclusion, and we may add now that Denison, Wm. W. Goodale, Waialua; no sufficient showing has been made that the original decision was a "palpable error and grievous wrong," which is the chief claim relied on to justify this second motion for a rehearing.

The motion is denied. SEAL NOT ONLY THING.

from Mexico and other tropical coun-The Supreme Court yesterday filed a tries, may hereafter be secured within decision in the case of Thos. Mullen its own territory, as experiments show vs. John Walker, the exceptions of plaintiff from rulings made in the First it can be produced in the Hawaiian Circuit Court being sustained. Islands and made an exceptionally

The case came to the Supreme Court on plaintiff's exceptions, the first quality from \$1 to \$15 a pound, and grounds being against the granting of ity is due primarily to the attention the copy served upon the plaintiff did vice of summons on the ground that given the plant in cultivation. There not bear the seal of the court, and second, the denial of plaintiff's motion to amend the said copy by placing the seal

> The trial court made these rulings against its own views, on the supposition that it was bound to do so by the decision of the Supreme Court in Hayashi vs. Iwata, 14 Haw. 627. In the opinion of the Supreme Court the view of the trial court was correct, and the decision referred to did not require it to hold otherwise. There were there two points of difference of importance: In that case both the seal of the court and the signature of the clerk were lacking while in this only the seal is lacking, and there was at that time no statute authorizing amendments of process while now there is such a stattue in the Laws of 1903. The better view seems to be that when either the signature or the seal is present the process may be amended as to the otherat least under statutory authority to amend process. In such cases the court is not wholly without jurisdiction.

The case is remanded to the Circuit Court for further proceedings consistent with this decision. T. McCants Stewart for plaintiff; W.

T. Rawlins for defendant. Clerk Geo. Lucas of the Supreme Court yesterday filed a remittitur remanding the case to Judge Robinson, with instructions to make and enter

an order amending the copy of the

summons therein, pursuant to the Su-

preme Court's decision.

ATTACKS OF COLIC, cholera morbus, pains in the stomach, dysentery and diarrhoea come on suddenly and so often prove fatal before a physician can be summoned, that a reliable remedy should always be kept at hand. Chamberlain's Colic, Cholera and Diarrhoea Remedy has no equal as a cure for these ailments. It never fails to give prompt relief even in the most severe cases. It is pleasant to take and every household should have a bottle at hand. Get it today. It may save a life. For sale by all Dealers, Benson, Smith & Co., Ltd., Agents for

DREDGER MEN WILL THEIR BONUS

A decision handed down yesterday by the Supreme Court by which Clark & Henery, contractors, who dredged the Pearl Harbor channel, win out against H. Hackfeld & Co., the decision of Circuit Judge De Bolt giving Clark & Henery one-third of \$26,000, as bonus agreed to by Hackfeld & Co., and Castle & Cooke, being sustained. Castle & Cooke did not object to the payment of the bonus, but Hackfeld & Co. brought the matter into the Supreme Court. The Hackfeld side contended that the contract had not been satisfactorily carried out and therefore they were not under obligations to carry out the agreement. Justice Hatch wrote the decision, Chief Justice Frear and Judge Gear concurring. The opinion, in part, is as follows:

"A written instrument addressed to a firm of contractors, and signed by the respective agents of two corporations. which recites that the agents knowing that the directors of the corporation have this day pledged the above companies to pay you \$26,000 upon the opening of Pearl Harbor, by the completion by you, and the acceptance by the United States Government of a channel into said Pearl Harbor of 200 feet wide at the bottom and 30 feet deep, do hereby guarantee said payment as per resolutions passed, copies of which are in your possession, is an absolute and independent undertaking on the part of those signing it to make the payment upon the contingency stated, and not a collateral contract of guaranty dependent for its validity upon the existence of another contract between the corporations and the contractors.

"The action of the contractors in such case in entering into a contract for the dredging of Pearl Harbor and their completion of the work to the satisfaction of the United States government, which accepted the work, was sufficient acceptance of the guaranty contained in the written instrument signed by the defendants, and is sufficient to support a finding of an acceptance of the offer.

"Where the contractors, after the receipt of such writing from the defendant, entered into a contract with the United States Government to dredge Pearl Harbor, relying upon the undertaking of the defendants to pay them the sum of \$26,000 in addition to the amount of their bid, the entering into such contract with the United States Government constituted a valuable consideration for the promise of the defendants to pay them the \$26,000 addi-

"The fact that the resolution of th and servant, Mrs. J. W. Bergstrom and truction which they relied on in their directors of one of the companies pledgchild, Stanley Stephenson, Thos, Caha- first motion for a rehearing and that ed the company to pay part of the \$26, lan, Matthews Heffner, John McGuire, this fact together with their claim that 000, provided that the agents of the J. Rosensten, W. C. Hooper, A. S. the original decision was a "palpable company are satisfied that the opening Humphreys, Honolulu; Geo, T. Klue- error and grievous wrong" is sufficient of the channel to Pearl Harbor wil open the same to commerce,' and that gel, Miss W. Beal, Berkeley: Miss N. justification for their filing this second 'guarantee said payment as per resoluisfied after the work was completed. that it opened the harbor to commerce as the action of the agents in signing the contract amounted to an unequivocal expression of satisfaction on their according to the specifications, would open the same to commerce."

Henry Smith, clerk of the Supreme Court, yesterday filed a remittitur in the above case, remanding the matter to the Circuit Court with instructions that the exceptions presented by the bill of exceptions of the defendant, Hackfeld & Co., Ltd., are overruled.

ON THE QUEEN

The Home Rulers met again at the Orpheum yesterday morning at 8 o'clock and adjourned sine die, and then went to Washington Place where ex-Queen Liliuokalani received them. At noon the delegates from Maul and Hawaii departed for their homes and those from Kauai went last evening.

DIRECT EVIDENCE.

ly at the witness and said, "Now, we want to hear just what you know; not you think, or anything of that kind, but what you know. Do you under-

"Wal, I know," said the witness, with emphasis, as he lifted one limber leg and laid it across the other, "I know that Clay Grubb said that Bill Thompson told him that he heard John Thomas's wife tell Sid Shuford's gal that her husband was there when the fight tuk place, and that he said that they slung each other around in the bushes right consid'able."-Youth's



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